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OFFICE OF PETITIONS

In re Application of :
Robert J. Saccomanno :
Application No. 10/752,397 :
Filed: January 6, 2004 :
Attorney Docket No. H4353000-US :

ON PETITION

This is in response to the petition under 37 CFR 1.53, filed June 23, 2004, in response to the Notice of Incomplete Application mailed June 3, 2004, and requesting a filing date of January 6, 2004.

The petition under 37 CFR 1.53 is **GRANTED**.

The instant application was deposited with the USPTO on January 6, 2004. On June 3, 2004, the Office of Initial Patent Examination mailed a "Notice of Incomplete Application" indicating that the application was deposited without drawings and which set a two (2) month shortened statutory period for reply.

In response, on June 23, 2004, the present petition was filed, accompanied by, *inter alia*, three (3) sheets of drawings. Because the return postcard receipt date-stamped January 6, 2004 properly itemizes the contents of the application package in accordance with MPEP § 503, the Office concludes that three (3) sheets of drawings were filed on January 6, 2004 with the application papers but the drawings were misplaced in the office. The office apologizes for any inconvenience occasioned by the loss of the drawings.

In view of the foregoing, the **petition to accord a filing date of January 6, 2004** will be accorded this application. The petition fee in the amount of \$130.00 will be credited to petitioner's deposit account no. 01-1125 as no fee is due.

This file is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of January 6, 2004 using the three (3) sheets of drawings supplied June 23, 2004.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571)-272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions